

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

IN RE:)	CHAPTER 13
)	
MICHAEL WILLIAM HENNING)	
aka MIKE HENNING,)	
)	
Debtor)	CASE NO.: 5:20-BK-02617-RNO

**OBJECTION OF CAPITAL ONE AUTO FINANCE,
A DIVISION OF CAPITAL ONE, N.A.
TO CONFIRMATION OF PROPOSED PLAN**

Capital One Auto Finance, a division of Capital One, N.A. ("COAF"), by and through its attorneys, Mester & Schwartz, P.C., files **Objection to Confirmation of Debtor's Proposed Plan** and states:

1. On November 06, 2017, Debtor Michael William Henning, entered into a Retail Installment Sales Contract in the principal amount of \$19,597.77 (the "Contract") that referred and related to the purchase of a 2017 MAZDA Mazda3 Sedan 4D Sport, V.I.N. JM1BN1U75H1143636 (the "Motor Vehicle"). COAF is the assignee of the Contract.
2. The interest rate under the Contract is 18.00% *per annum*.
3. To secure the Contract, Debtor granted a first lien on the Motor Vehicle in favor of COAF.
4. On September 01, 2020, Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
5. On September 14, 2020, Debtor filed a Proposed Plan (the "Plan").
6. The Chapter 13 Trustee has scheduled a 341(a) Meeting of Creditors for October 05, 2020.
7. As of September 01, 2020, the total principal balance of COAF's claim was \$15,630.12.
8. In the Plan, Debtor proposed to pay COAF the sum of \$7,000.00 at the rate of 5.000% *per annum* interest.
9. Debtor's proposed treatment fails to comply with the cramdown requirements for confirmation as in contained in 11 U.S.C. Section 1325(a)(5)(B)(i).
10. The fair market value for the Motor Vehicle is \$14,200.00. **See attached Exhibit C.**

11. COAF is entitled to a secured claim of \$14,200.00 at 5.00% interest over the life of the plan.
12. For the foregoing reasons, COAF objects to confirmation of the Plan.

WHEREFORE **Capital One Auto Finance, a division of Capital One, N.A.**, respectfully requests this Honorable Court to deny confirmation of the Plan.

Respectfully submitted,

Mester & Schwartz, P.C.

BY: /s/ Jason Brett Schwartz
Jason Brett Schwartz, Esquire

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Dated: October 01, 2020